

Remarks

Claims 1-31 are pending before entry of this Amendment. By way of Amendment, claims 1, 2, and 5 have been canceled, claims 3 and 16 have been amended, claims 18-31 have been withdrawn, and no new claims have been added. Support for the amendments is provided in previously pending claim 5. No new matter has been added.

The Office has required restriction among the pending claims as follows:

Group I, claims 1-17, drawn to a dry powder pharmaceutical composition, comprising an active, an excipient, and a carbohydrate, and

Group II, claims 18-31, drawn to an inhalation device.

Applicants elect without traverse Group I (claims 1-17). Claims 18-31 have been withdrawn by the instant Amendment. Applicants reserve the right to file one or more divisional applications to the non-elected subject matter.

The Office has also required election of species of dry powder pharmaceutical. It is unclear from the Restriction Requirement if the Office is asking for election of the active, excipient, or the carbohydrate. Applicants assume the election is directed to the carbohydrate and, therefore, elect cellobiose octaacetate. All pending claims under consideration relate to the currently elected invention. All pending claims under consideration except for claim 11 are directed to the currently elected species.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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